

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2.c (2), BCZR and Section 1X.A.1., CMDF, to allow a portion of the paving on site to be crusher run or gravel instead of the required durable and dustless surface.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached copy or request for variance of August 27, 1984 to Mr. Jablon

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Thomas G. Clark
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Attorney for Petitioner:
Harold J. Tulley
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Attorney's Telephone No.: 879-2772
Zoning Commissioner of Baltimore County, this 11th day of February, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of February, 1985, at 10:30 o'clock.

Zoning Commissioner of Baltimore County.
(over)

RE: PETITION FOR VARIANCE
SE/S of Merrymans Mill
Rd., 400' SW of Killarney
Rd., (2815 Merrymans Mill
Rd.), 10th District
THOMAS G. CLARK, et ux,
Petitioners
: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 85-221-A
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 30th day of January, 1985, a copy of the foregoing Entry of Appearance was mailed to Harold J. Tulley, Esquire, 624 S. Main St., Bel Air, MD 21014, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 11th day of February, 1985

Petitioner Thomas G. Clark, et ux Received by
Attorney Harold J. Tulley, Esquire
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 4, 1985

Harold J. Tulley, Esquire
624 S. Main Street
Bel Air, Maryland 21014

RE: Item No. 152 - Case No. 85-221-A
Petitioner - Thomas G. Clark, et ux
Variance Petition

Dear Mr. Tulley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: T. Richard Clark
President Clark Oil Company
2815 Merrymans Mill Road
Phoenix, Maryland 21131

ORDER RECEIVED FOR FILING
DATE May 14, 1985
BY [Signature]

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, R.E.
DIRECTOR

January 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #152 (1984-1985)
Property Owner: Thomas G. Clark, et ux
S/S Merrymans Mill Rd. 400' W. from
Killarney Rd.
Acres: 441.02/621.91 x 541.53/628.65
District: 10th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

As no public facilities are involved, this office has no comment.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

JAM:EAM:REC:188

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

NORMAN E. GENDER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 12/11/84
Item #152
Property Owner: Thomas G. Clark, et ux
Location: S/S Merrymans Mill Rd.
W. of Killarney Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on [blank].
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: [blank]

Eugene A. Roher
Chief, Current Planning and Development
cc: James Howell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204

STEPHEN E. COLLINS
DIRECTOR

December 17, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 144, 145, 147, 148, 150, 151, 152, and 153 ZAC- Meeting of December 11, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 144, 145, 147, 148, 150, 151, 152, and 153.

Michael S. Planigan
Traffic Engineering Assoc. II

MSF/cam

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 3, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #152, Zoning Advisory Committee Meeting of December 11, 1984, are as follows:

Property Owner: Thomas G. Clark, et ux
Location: S/S Merrymans Mill Road 400' from Killarney Road
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a portion of the paving on site to be crusher run or gravel in lieu of the required durable and dustless surface.
Acres: 441.02/621.91 x 541.53/628.65
District: 10th

An appropriate and sufficient amount of well compacted crusher run be applied and utilized as shown on plot plan as submitted east and southwest of the Clark Oil Company office.

Regulations to control air pollution in the State of Maryland require surfaces to be maintained, replenished and cleaned in a timely manner to ensure the control and/or the prevention of particulate matter from becoming airborne. The application of dust suppressants including water, calcium chloride and others may be utilized as the situation dictates.

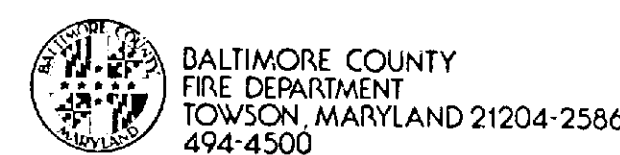
Very truly yours,

Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/als

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, I/ IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



PAUL H. RENCKE
CHIEF

December 18, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Thomas G. Clark, et ux

Location: S/S Merrymans Mill Road 400' W. from Kilarney Road
Item No.: 152 Zoning Agenda: Meeting of 12/11/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Driveway shall be durable and support 50,000 lb. fire apparatus.

- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *George M. Hageman* Noted and Approved: *George M. Hageman*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

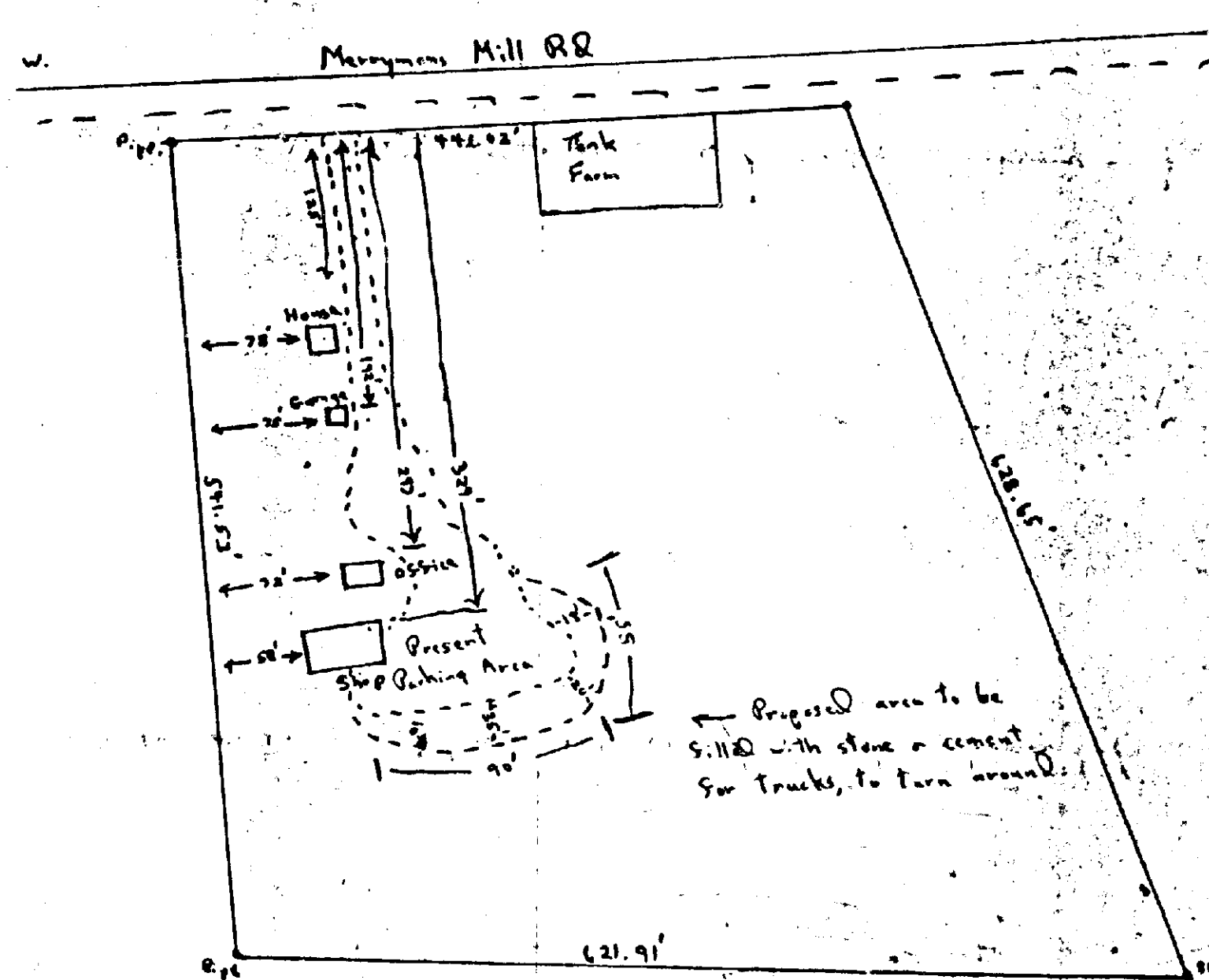
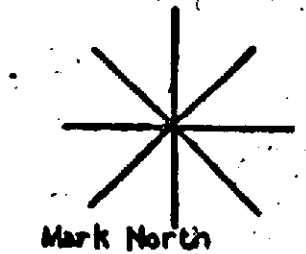
TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition Nos. 85-219-A, 85-220-A, 85-221-A, 85-223-A, 85-224-A, 85-225-A, 85-228-A, 85-229-A, and 85-230-A
SUBJECT: _____

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEB/JGH/sf

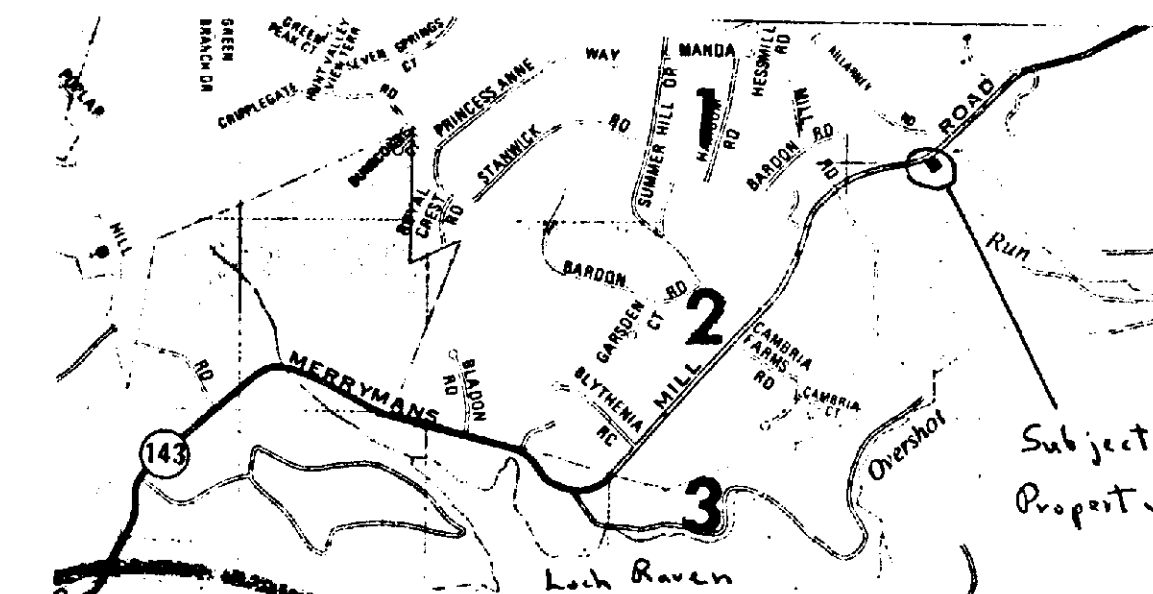
PLOT PLAN



Revised Plot Plan

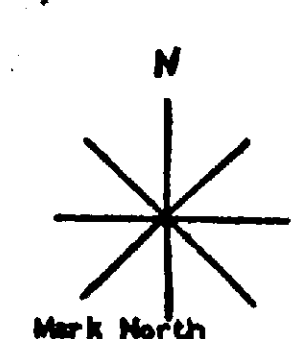
Q. Notation 001457

Vicinity Map



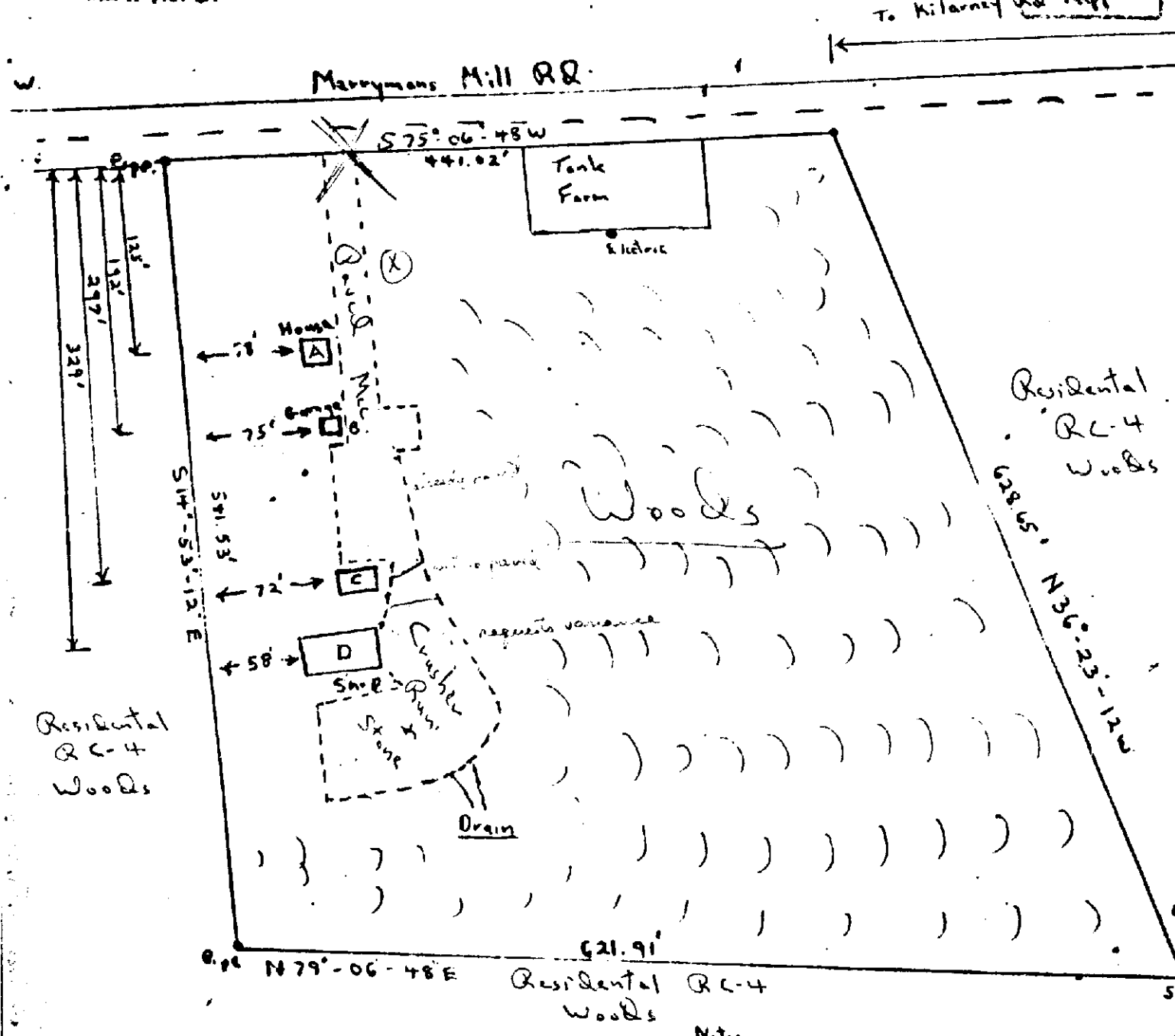
Property is approx. 400ft from the North east corner to Intersection of Kilarney Rd and Merryman Mill Rd.

Property is approx. 2200 ft from the North west corner to the Intersection of Summer Hill Dr. and Merryman Mill Rd. Map 043 District 10 Folio 92. Also known as 2815 Merryman Mill Rd. in the 10th Election District.



PLOT PLAN

PETITIONER'S EXHIBIT



- A Residence built 1938
- B Residence built 1938
- C Office Club Oil Co. built 1974
- D Garage Club Oil Co. built 1974

Scale: 1" = 100'

HAROLD J. TULLEY
JOSEPH LEE
PATRICK R. SNIDER
VICTOR R. BUTANE

LAW OFFICES
TULLEY & LEE
624 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014

August 22, 1984

Baltimore County Office of Planning and Zoning
Old Courthouse Building
Towson, Maryland 21204

Attention: Mr. Arnold Jablon, Zoning Commissioner

Re: Clark Oil Company

Dear Mr. Jablon:

We acknowledge receipt of your Decision dated July 24, 1984, and request a variance under the applicable Zoning Classification and Regulations pertaining to the subject property. We also request a deferment before any portion of the order with respect to paving the surfaces of the Clark property is concerned.

We are pleased to advise that Inspector Murphy from your office, visited the property and verified that we had already removed the speaker which was apparently directing noise towards Mrs. Crook's house. Further, he was able to verify that the corrected angle of the floodlights has prevented the shedding of light on Mrs. Crook's home.

With respect to our request for a Variance, the State Water Resources Division requires that we have an open area available at all times upon which contaminated sand could be spread out and moved around by bulldozer, etc., in order to dry out. This would be sand used to sop up a gasoline spill in the event one should happen on our property or elsewhere. The area we have filled in and over which our trucks turn around has not yet settled and if we are required to pave that area, which is out of sight from the road and neighbors, we would not be able to use the area for the drying out of contaminated sand. Further, by paving that relatively small area, we will cause an excessive amount of wear and tear upon our truck tires. We presently turn the vehicles around in a very narrow area and the rear wheels actually slide or drag around rather than roll. With loose gravel underneath, little friction results. If we have to pave the area, we may actually find it better to fill in and pave a much larger area in order to avoid that type of friction and to provide additional areas for the drying of contaminated soil. Further, the costs to pave the area are significant and, we believe, not justifiable. There is no

heavy traffic on this property. Vehicles do not travel at any significant speed, and no dust rises or is generated thereby. Thus, we believe the fact that the area is not paved is not only not detrimental to the neighborhood, it helps absorb rain water, etc., and avoids concentrating any flow of surface water towards the rear of our property.

As you may know, in a recent Circuit Court action, Clark Oil Company was required to buy out a minority stockholder. That forced buy out has placed the company in a rather tight financial position and the costs of making these improvements will cause the company considerable hardship.

We request that we be given the opportunity to meet with you or another member of your staff in order to support our requests for a Variance. In addition, we note that Mrs. Crook has filed an Appeal. In turn, if, because of that Appeal, you are not able to act upon our request for a Variance, then we plan to, and do hereby note a Cross-Appeal.

Sincerely yours,

Harold J. Tulley

dew

cc: Clark Oil Company

Certificate of Service

I HEREBY CERTIFY that on this _____ day of August, 1984, a copy of the foregoing letter was mailed postage prepaid to Francis N. Iglehart, Esquire, IGLEHART & McLAUGHLIN, 307 W. Allegheny Avenue, Towson, Maryland 21204.

HAROLD J. TULLEY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Jan J. Forrest, Director
 TO: Bureau of Environmental Services Date: February 14, 1985
 Arnold Jablon
 FROM: Zoning Commissioner
 Case No. 85-221-A (Item No. 152)
 SUBJECT: Thomas G. Clark, et ux, Petitioners

A hearing was held before me on the above-referenced matter for a variance to permit a crusher-run surface for a parking "turn-around" area instead of the required impermeable surface, i.e., macadam, tar and chip, et al.

The issue raised is which type of surface would be better suited for a location where there is a potential for an oil or gas spill. The "turn-around" is to be used by a large tractor trailer delivering either gas or oil. Kay White of "Save Our Streams" testified that an impermeable surface would be better, but the Petitioner testified that crusher run would be.

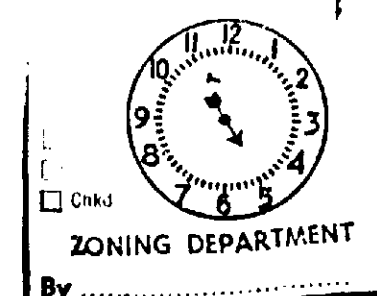
Your comment dated January 3, 1985 refers to potential air pollution, and I hope you can provide me with guidance regarding the problem described. Thank you.

AJ/srl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner
 Ian J. Forrest, Director
 FROM: Bureau of Environmental Services
 SUBJECT: Case No. 85-221-A (Item No. 152)
 Thomas G. Clark, et ux, Petitioners



The original request for variance was, "to permit of the paving on site to be crusher run or gravel in lieu of the required durable and dustless surface." The above location was originally viewed in reference to parking and service for a home and office only, to which crusher run with appropriate airborne particulate controls would have sufficed. However, the handling and storage of gas or oil, and the use of the "turn-around" area by tanker vehicles present a different situation.

This situation does require a permanent surface, rather than crusher run, for the parking "turn-around" area. In addition attention should be given to dikes around the area to prevent accidental spills from entering nearby streams and rivers, and also an interceptor at the storm water inlet.

The revised paving standards for trucking facilities appear to be more in keeping with this situation.

Ian J. Forrest, Director
 Bureau of Environmental Services

LJF/als
 cc: David Filbert
 Janice Outen



BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

11 March 1985

Harold J. Tulley, Esq.
 624 S. Main St.
 Bel Air, Maryland 21014

Francis N. Iglehart, Esq.
 307 W. Allegheny Ave.
 P. O. Box 6850
 Towson, Maryland 21204

Re: In Re: Thomas G. Clark, et ux
 Case No. 85-221A

Gentlemen:

I am in receipt of attached memo from Mr. Forrest, which is self-explanatory. I am attaching a copy for each of you for your information.

I will now within the next few days issue my decision in this matter and copies of that will also be forwarded to you.

Sincerely,

Arnold Jablon

AEJ/aj

IGLEHART & McLAUGHLIN
 ATTORNEYS AT LAW
 307 W. ALLEGHENY AVENUE
 P. O. BOX 6850
 TOWSON, MARYLAND 21204

March 19, 1985

TELEPHONE:
(301) 888-0718

THOMAS G. CLARK, et ux
 85-221-A

Harold J. Tulley, Esquire
 624 South Main Street
 Bel Air, Maryland 21014

RE: Crook v. Clark Oil Company
 Board of Appeals of Baltimore County
 Case No. C-84-718
 I & M File 84.704

Dear Hal:

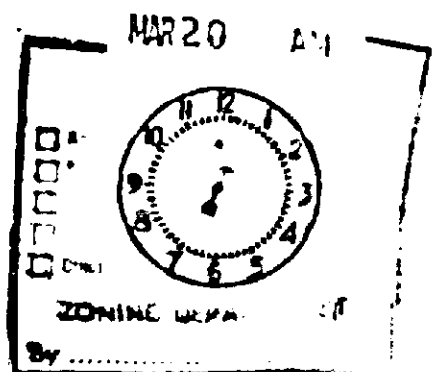
Enclosed are 2 signed copies of the Settlement Agreement with Clarks. I am delivering a copy to Mr. Jablon and will file the Order of Dismissal with the Board of Appeals.

Very truly yours,

Francis N. Iglehart

FNI/ljh

cc: Arnold Jablon
 Zoning Commissioner ✓



AGREEMENT

THIS AGREEMENT MADE THIS 18th DAY OF MARCH, 1985 by and between Beverly C. Crook, hereinafter referred to as "Mrs. Crook" and the Clark Oil Company, a Maryland Corporation, and Thomas G. Clark and Edith P. Clark, hereinafter referred to as "the Clarks", witnesseth:

WHEREAS, Mrs. Crook has heretofore filed a zoning violation complaint against the Clarks with regard to their underground storage of inflammable liquids and maintenance of a fuel delivery business on property at 2815 Merryman Mill Road, Phoenix, Baltimore County Maryland consisting of 6.217 acres of land more or less which is zoned Manufacturing Light in part and R.C. 4 in part and

WHEREAS Mrs. Crook is the owner of residential improved property at 2829 Merryman Mill Road binding on the eastern boundary line of the Clark's property and

WHEREAS there is pending before the Board of Appeals of Baltimore County an appeal from the Zoning Commissioner's decision dated July 24, 1984 finding the Clarks in conformance with the Baltimore County Zoning Regulations except for its failure to pave the parking area on its property in compliance with section 409.2.c of said regulations, the Clarks having applied for a variance from the aforesaid regulation with respect to paving of its parking area and

WHEREAS the parties hereto are desirous of settling their differences and protecting their respective property rights.

THEREFORE in consideration of the foregoing and other good and lawful consideration the parties hereto have mutually agreed and covenanted as follows:

1. Mrs. Crook shall dismiss with prejudice her appeal before the Board of Appeals of Baltimore County in case No. C-84-718 ;
2. The Clarks shall make no further application for expansion of its existing ML zoning as established by ordinance of the Baltimore County Council in the 1984

Zoning Map Adoption process and will not seek any other type of manufacturing or business (commercial) zoning for any portion of their property.

3. The Clarks will not erect additional business structures or buildings of any kind whatsoever on its property other than a storage facility for tires, large tools, repair equipment, inventory and the like not to exceed 40' X 30' which will be attached or adjacent to the existing garage - machine shop.

4. The Clarks will not expand the fill area placed by it to construct its truck parking and turning area pursuant to fill permit No. C-2C- 55382, though the Clarks reserves the right to place riprap and other material from time to time on the slopes of the fill in order to maintain it against erosion and to construct and maintain a 3 foot high earth berm along the edge of said fill as a measure of controlling any fuel spill from tank trucks on its parking area.

5. The Company will not expand the number of its underground storage tanks and will keep them in the present "tank farm area" on the property. Attached as Exhibit "A" is a plat (not necessarily to scale) showing the "tank farm area".

6. The Clarks will refrain from utilizing outside loud speaker systems for communication with its personnel; will direct any outside lighting away from Mrs. Crook's house and will within two years from the date of this agreement plant a row of coniferous trees three trees in width from Merrymans Mill Road to southern end of the fill place by it for its truck parking and turning area and parallel to same to create a future visual screen between the Clark's active area of operations and Mrs. Crook's residence.

7. Mrs. Crook will not oppose or in any way aid and abet opposition to the Clark's application for a variance from the zoning regulation requiring it to pave its truck parking and turning area subsequent to the decision of the Zoning Commission in Case #85-221-A heard on February 11, 1985.

8. In the event of a deliberate and intentional violation of this agreement necessitating the other party to seek legal or equitable relief, the party creating such deliberate and intentional violation shall be responsible for all reasonable and appropriate costs and attorney's fees incurred by the other party, the amount to be awarded by the Court hearing the case arising from the violation.

9. The provisions and covenants of this Agreement shall remain in full force and effect during the ownership of Mrs. Crook's property by herself, her personal representative, or her natural children. Should her children not acquire the property, then this Agreement will continue during the ownership of the first third party successor in title to Mrs. Crook. This Agreement shall become null and void in the event of a change in the zoning of the Crook property from residential use or upon the acquisition of any portion of the Crook property by the then owners of the Clark Property.

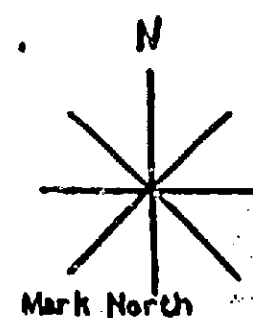
10. Anything herein to the contrary notwithstanding, it is specifically understood and agreed that the Clarks shall be expected to comply with any and all laws, mandates, and directives which effect its ability to do business in the State of Maryland regardless of whether those laws, mandates, or directives have been established by the State of Maryland, Baltimore County, or the United States Government or any of their various agencies. In such a case, it is understood and agreed that the governmental laws and regulations will prevail over the requirements of this Agreement except with regard to the restriction on the horizontal area of the fill referred to in paragraph 4 which is intended as an absolute restriction.

The parties hereto have entered into the mutual agreements and covenants setforth above on behalf of themselves their heirs, successors, and assigns.

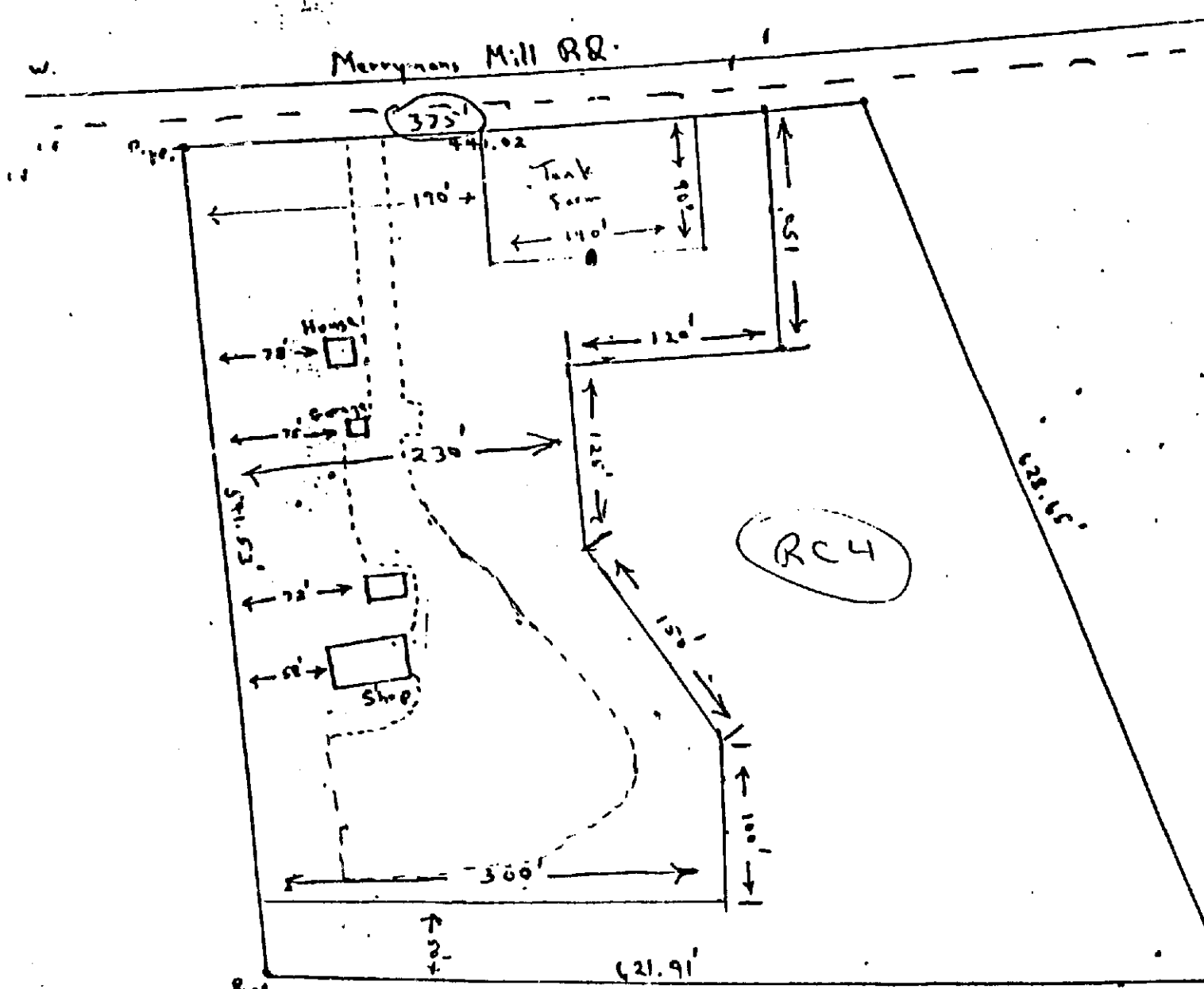
In witness hereof the parties hereto have affixed their hands and seals the day and year first above written

Francis N. Iglehart
 In Witnesseth
 Beverly C. Crook
 Clark Oil Company by
 T. G. Clark
 Thomas G. Clark
 Edith P. Clark
 Edith P. Clark

Plot Plan



Final Original



May 9, 1985

Harold J. Tulley, Esquire
624 South Main Street
Bel Air, Maryland 21014

RE: Case No. 85-221-A
Thomas G. Clark, et ux,
Petitioners

Dear Mr. Tulley:

This is to advise that enough time has elapsed for the submittal of additional comments, and since none have been received, a decision will be rendered the early part of next week.

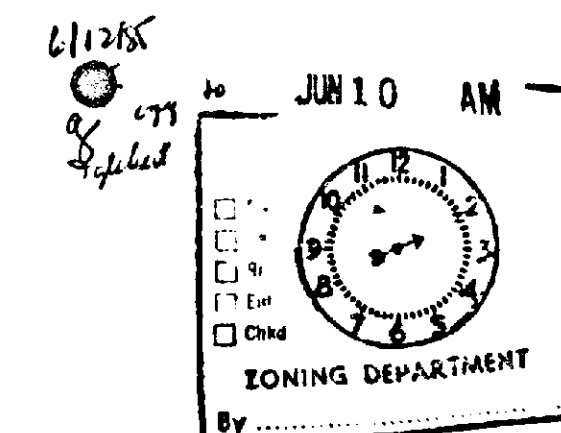
Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Francis N. Iglehart, Jr., Esquire

Clark Oil Company
2815 MERRYMAN'S MILL RD.
PHOENIX, MARYLAND 21131
PHONE 666-2790



June 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition Zoning Variance
Case #85-221-A THOMAS G. CLARK, et ux

Dear Mr. Jablon:

Regarding your decision of May 18, 1985, that the driveway and parking area of our business be paved, we have requested various paving companies to prepare estimates for completing this task.

Each of the companies contacted has informed us they have a backlog of work already contracted and will schedule us as soon as possible. Since your order requires completion within 60 days from May 15, 1985, it may be impossible for us to meet this time frame. Due to the stated backlog of these paving firms, we are requesting the order be extended to September 1, 1985 although we will make every effort to complete the paving as soon as possible.

I would also like to express my thanks for the fair and understanding consideration your office has provided my company during the past year when it was necessary for my company to be involved in zoning problems.

Very truly yours,

T. Richard Clark
T. Richard Clark,
President

Case No. C-84-718

June 12, 1985

Mr. T. Richard Clark
President
Clark Oil Company
2815 Merryman's Mill Road
Phoenix, Maryland 21131

RE: Case No. 85-221-A
Thomas G. Clark, et ux,
Petitioners

Dear Mr. Clark:

This is to advise that I will grant the requested extension to September 1, 1985. However, if the paving is completed before that time, please advise.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Francis N. Iglehart, Jr., Esquire

Case No. C-84-718

IN RE: PETITION ZONING VARIANCE
SE/S of Merryman's Mill Road,
400' SW of Killarney Road
(2815 Merryman's Mill Road) -
10th Election District

Thomas G. Clark, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-221-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a portion of the paving to be crusher run or gravel instead of the required durable and dustless surface, as more particularly shown on Petitioners' Exhibit 1.

The Petitioners, by T. Richard Clark, their son, appeared and testified and were represented by Counsel. Beverly Crook, a Protestant, appeared and testified and was represented by Counsel. Testifying on Ms. Crook's behalf was Kay White from Save Our Streams, an environmental organization.

Testimony indicated that the subject property, comprising approximately 6½ acres, consists of about 3 acres zoned R.C.4 and 3½ acres zoned M.L. On that portion zoned M.L., the Petitioners operate an oil business. They have paved a portion of the driveway which extends 297 feet from Merryman's Mill Road to building "C", as shown on Petitioners' Exhibit 1, with a durable and dustless surface. An additional 33 feet of the driveway from building "C" to a mid-point between buildings "C" and "D" will also be paved. From that point, a distance of about another 100 feet beyond what is identified on the site plan as building "D" is a parking and "turn-around" area, comprising about 15,000 square feet, is proposed to be a crusher run surface rather than a durable and dustless surface. Mr. Clark explained that he would prefer to utilize a crusher run surface to better accommodate the maneuvering of the company's large oil trucks. He believed a crusher run surface rather than a hard surface would last longer and

require less space for the trucks to turn around. As for the argument raised by the Protestant that a crusher run surface would cause an adverse environmental impact, Mr. Clark stated that there would be less impact in the event of a gas or oil spill with crusher run than with a hard surface. A crusher run surface could easily be replaced with new stone, while a hard surface would be much more costly and cumbersome to replace.

Ms. White testified that, in her opinion, an impermeable surface would be better suited under these circumstances and would prevent any potential oil spill from seeping into the ground and impacting on nearby Loch Raven Reservoir.

The Petitioners seek relief from Section 409.2.c.(2), Baltimore County Zoning Regulations (BCZR), and from Section IX.A.2.a, Comprehensive Manual of Development Policies (CMDP), pursuant to Section 307, BCZR.

The BCZR do not define "durable and dustless". Webster's New Collegiate Dictionary defines "durable" as being able to endure; lasting; enduring; not wearing out. "Dustless" obviously would mean to be dust free—to prevent fine dry pulverized particles of earth or fine powder of any kind; to prevent a cloud of dust. By analogy, reference to the BCZR limiting the parking surfaces of trucking facilities to particular types of paving, specifically in Sections 410.3.B.7 and 410A.3.B.6, can be utilized to clarify the County Council's intent and which conforms to the reasonableness of the use of the term "durable and dustless" as intended by Section 409.2.c.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all of its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466. The intent of the BCZR must be determined as being construed as a whole. Smith v. Miller, 249 Md. 390. The specific language delineating the requirement for a durable and dustless surface in

Section 409.2.c.(2) must be construed in light of all of the provisions concerning the surface area for parking lots so that the various parts of the BCZR are given their intended effect. Moreover, the relationship between these various provisions regulating the surface area for parking lots must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

In response to the trucking-facilities legislation, the Baltimore County Planning Board introduced and adopted, by resolution dated February 17, 1983, an amendment to the CNDP, Section IX—Miscellaneous Adopted Design Provisions, pursuant to the authority vested in it by Section 504, BCZR. This amendment promulgates trucking-facility paving standards, which were intended to assure that parking areas are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected. Section IX.A.2 sets out the standards to be applied:

- (1) a bituminous concrete surface over a suitable base;
- (2) a Portland-cement concrete surface over a suitable base; or
- (3) two (2) or more applications of bituminous surface treatment over a suitable base.

In other words, Section IX.A.2 requires a durable and dustless surface for trucking-facility parking areas. If Section 409.2.c and Section IX.A.2 are construed as a whole, it is evident that the Council intended for the paving standards for trucking facilities to be imposed for all parking areas for more than five vehicles when it used the term "durable and dustless". Certainly, the clear and plain meaning of the term requires application of the standards required by Section IX.A.2. In order to deviate from those standards, a variance is necessary.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In response to this Commissioner's request, the Bureau of Environmental Services, Department of Health, has recommended that an impermeable surface, i.e., macadam, tar and chip, et al, would be better suited for this site because of the handling and storage of gas and oil and the use of the "turn-around" area by tanker vehicles. It is further recommended that dikes be placed around the area and an interceptor located at the storm water inlet to prevent accidental spills from entering nearby streams and rivers.

Therefore, it is clear from the testimony and evidence received that the proposed use would in fact be contrary to the spirit and intent of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would not result if the instant variance were granted. It has been established that the requirement from which the Petitioner seeks relief would not unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will be detrimental to the public health, safety, and

ORDER RECEIVED FOR FILING

DATE May 15, 1985

BY [Signature]

ORDER RECEIVED FOR FILING

DATE May 15, 1985

BY [Signature]

ORDER RECEIVED FOR FILING

DATE May 15, 1985

BY [Signature]

ORDER RECEIVED FOR FILING

DATE May 15, 1985

BY [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of May, 1985, that the Petition for Zoning Variance to permit a portion of the paving to be crusher run or gravel instead of the required durable and dustless surface be and the same is hereby DENIED, subject, however, to the following restrictions:

1. The entire driveway and parking area must be of a durable and dustless surface, as defined in Section IX.A.2.a., CMDP.
2. Dikes or their equivalent must be placed around the parking area and an interceptor located at the storm water inlet to prevent accidental spills from entering nearby streams and rivers.
3. The Petitioners shall complete the paving and comply with this Order within 60 days from this date.


Zoning Commissioner of
Baltimore County

AJ/srl

cc: Harold J. Tulley, Esquire

Francis N. Iglehart, Jr., Esquire

People's Counsel

PETITION FOR VARIANCE

10th Election District

LOCATION: Southeast side of Merrymans Mill Road, 400 feet
Southwest of Killarney Road (2815 Merrymans Mill Road)

DATE AND TIME: Monday, February 11, 1985 at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow a portion of the paving on site to be crusher run or gravel instead of the required durable and dustless surface.

Being the property of Thomas G. Clark, et ux _____ as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

DESCRIPTION

Located on the southeast side of Merrymans Mill Road 400' southwest of Killarney Road and thence running S 75° 06' 48" W 441.02', thence S 14° 53' 12" E 541.53' thence N 79° 06' 48" E 621.91' thence N 36° 23' 12" W 628.65' to the place of beginning. Also known as 2815 Merrymans Mill Road.

TITLE 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 05 WATER RESOURCES ADMINISTRATION

08.05.04 Oil Pollution

Authority: Natural Resources Article, §§8-1405(a) and (b), 8-1407, 8-1409, 8-1410, 8-1411 and 8-1411.1, Annotated Code of Maryland.

Notice of Final Action

On January 4, 1985, the repeal of Regulation .07 under COMAR 08.05.04 Water Pollution Control, and new Regulations .01 - .21 under COMAR 08.05.04 Oil Pollution, were adopted by the Secretary of Natural Resources.

These new regulations and chapter, which were proposed for adoption in 1984 Md. Reg. 1675 - 1684 (September 14, 1984) have been adopted with the minor changes shown below.

Effective Date: January 23, 1985.

.01 Definitions.

A. In these regulations, the following terms in §8, below have the meanings indicated. Terms not defined in §8 have the meanings given to them in the relevant statutes, or if not defined in statutes, the meaning attributed by common use. The terms "Administration", "Department", "Oil Terminal Facilities", "Operator", "Person", "Pollution", "Used Oil", and "Waters of the State," are defined in Natural Resources Article, §§8-101, 8-1401, 8-1411 and 8-1411.1, Annotated Code of Maryland. The meanings for these specific terms are provided below as a convenience, but persons affected by the Administration's regulations should be aware that these meanings are subject to amendment by the General Assembly. The terms "Discharge" and "Oil" include language in addition to the statutory definitions in §§8-1401 and 8-1411.

B. Terms Defined.

(1) "Administration" means the Water Resources Administration.

PROTESTANT'S
EXHIBIT 1

ORDER RECEIVED FOR FILING

DATE May 14, 1985

BY  ADMINISTRATIVE ASSISTANT

- (11) "Oil terminal facility" means a facility of any kind and related appurtenances receiving, transferring, or discharging oil, petroleum products, and their by-products to or from any commercial vessel, tank truck, tank car, pipeline, or any other means used for transporting these products in the State and having a total storage capacity in excess of 3,000 barrels.
- (12) "Operator" means any person owning or operating an oil terminal facility whether by lease, contract, or any other form of agreement.
- (13) "Permittee" means the person holding a valid Oil Operations Permit or subject to a General Oil Operations Permit issued by the Administration.
- (14) "Person" includes the federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.
- (15) "Person in charge" means the owner or person designated by the owner, an operator, or permittee as the one with direct supervisory responsibility for an activity or operation at a facility, such as the transfer of oil to or from any points in the facility.
- (16) "Pollution" means every contamination or other alteration of the physical, chemical, or biological properties, of any waters of the State, including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge or deposit of any organic matter, harmful organism, liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will render the waters harmful, detrimental, or injurious to public health, safety, or welfare, domestic, commercial, industrial, agricultural, recreational, other legitimate beneficial uses, or livestock, wild animals, birds, fish or other aquatic life.
- (17) "Precision test" means a test capable of detecting and quantifying leaks as small as .05 gallons in 1 hour with adjustments for variables. For commercial names of tests approved by the Administration, see Appendix A.
- (18) "Similar oil handling facility" means any facility that stores and dispenses oil for use as a motor fuel.
- (19) "Sinking agents" means those chemicals or other agents that can physically sink oil below the water surface.
- (20) "Sorbent" means any substance that takes up and holds oil by either adsorption or absorption.
- (21) "Spill (spilling)" means any release of oil.

.03 Report of Oil Spill or Discharge.

- A. A person discharging or permitting the discharge of oil, or who either actively or passively participates in the discharge or spilling of oil, either from a land-based installation, including vehicles in transit, or from any vessel, ship, or boat of any kind, shall report the incident immediately to the Department of Natural Resources. He shall remain available until clearance to leave is given by the appropriate officials designated in §C(1) and (2) of this regulation.
- B. The report of an oil spill or discharge shall be made to the Administration immediately, but not later than 2 hours after detection of the spill, and shall include:
 - (1) Time of discharge;
 - (2) Location of discharge;
 - (3) Mode of transportation or type of facility involved;
 - (4) Type and quantity of oil spilled;
 - (5) Assistance required;
 - (6) Name, address, and telephone number of the person making the report; and
- (7) Any other pertinent information requested by the Administration.
- C. The Department makes the following designation of its authority:
 - (1) A representative of the Department may grant permission either by telephone, or at the scene of the spill, to the person responsible for the spill to leave the scene.
 - (2) A representative of any Maryland emergency fire and rescue service or any State, county, or local police officer on the scene may grant clearance to leave the scene to the person responsible for an oil spill of less than 250 gallons without first giving notice to the Administration.
 - (3) A representative of any Maryland emergency fire and rescue service or any State, county, or local police officer on the scene may grant clearance to leave the scene to the person responsible for an oil spill greater than 250 gallons after the representative or police officer gives notice to and receives approval from the Administration.
- D. Before release of the person responsible for the oil spill, the designated official shall obtain that person's name and address as well as information on how the spill occurred.
- E. Ten working days after the removal and cleanup work has been completed, as required under Regulation .04A of this chapter, the person responsible for the spill shall prepare a completed written report of the occurrence and promptly submit the report to the Administration. The written report shall be on the Administration's "Report of Spill" form or shall be on company letterhead and include the following information:

- (6) Other alternatives acceptable to the Maryland Port Administration or the Department.
- B. The bond, insurance policy, or other acceptable alternatives required by §A or this regulation shall:
 - (1) Be in an amount equal to \$100 per gross ton of the vessel;
 - (2) Be in a form approved by the Maryland Port Administration or the Department;
 - (3) Include a statement of total value of coverage;
 - (4) Be payable to the State;
 - (5) Be issued when appropriate by a surety or insurance company approved by the Maryland Port Administration or the Department; and
- (6) Provide in the body of the policy or surety bond or by means of endorsement, that in the event of an oil discharge, spillage, or other similar act from a vessel in the State, the proceeds shall be available to the State for costs incurred in containment, cleanup, elimination of oil residue, and restoration.
- C. Evidence of self-insurance may be approved as an alternative to a bond or insurance policy if the self-insurer provides:
 - (1) A written statement signed by the self-insurer reciting that costs incurred by the State for containment, cleanup, elimination of oil residue, and restoration shall be paid to the State by the self-insurer; and
 - (2) Records of financial worth substantiating the ability of the self-insurer to cover these costs to which the largest vessel could be subject.
- D. If an owner, operator or a company chartering vessels owns, operates, or charters more than one vessel, a bond or acceptable alternative need only be established to meet the maximum liability to which the largest of the vessels could be subject.
- E. If the Maryland Port Administration or the Department determines that oil has been discharged or spilled into the waters of the State from a vessel, the bond or its acceptable alternative shall be forfeited to the extent of the costs incurred by the Maryland Port Administration or the Department in:
 - (1) The containment, cleanup, and elimination of the oil residue discharged or spilled;
 - (2) Restoring to the extent of damage caused, the natural and recreational resources of the State; and
 - (3) Collecting any otherwise uncollectable fines levied against the vessel, its owner or agent, its charterer, or the owner or operator of the terminal at which the vessel discharges or receives oil.

.07 Oil Operations Permit.

- A. A person engaging in one or more of the following activities, shall obtain an Oil Operations Permit from the Administration in accordance with Regulations .07, .10, and .11 of this chapter:
 - (1) Oil storage facilities involving the storage of oil in quantities of 10,000 U.S. gallons or more (for additional requirements, see Regulations .02, .03, .04, .12, .13, .14, .15, and .18 of this chapter);
 - (2) Oil delivery by truck tank or by transport involving the delivery of oil by truck tanks or by transports to or from any point within the State (for additional requirements, see Regulations .02, .03, .04, .16, and .17 of this chapter);
 - (3) Oil transfer facilities involving the transfer of oil in an onshore facility to or from any truck tank, transport, or tank car (for additional requirements, see Regulations .02, .03, .04, .12, .13, .14, .15 and .18 of this chapter);
 - (4) Facilities for the handling of used oil involving the handling, reuse, processing, reprocessing, or disposal of any oils that have previously been used, and involving storage capacity of 1,000 gallons or more (for additional requirements, see Regulations .02, .03, .04, .12, .13, .14, .15 and .19 of this chapter);
 - (5) The oil delivery operations of out-of-State facilities which deliver oil to any point within the State (for additional requirements see Regulations .02, .03, .04, .16, and .17 of this chapter);
 - (6) Service stations, garages, marinas, and any similar oil handling facilities having storage capacity of 50,000 gallons or more (for additional requirements see Regulations .02, .03, .04, .12, .13, .14, .15 and .20 of this chapter); or
 - (7) Facilities or operations of any storage capacity otherwise permitted under Regulation .08, engaged in the transporting or transferring of oil from one location to another, or storage of oil, if the Administration determines that the oil transport, transfer, or storage operation poses a water pollution hazard due to its size, nature, or location. (For additional requirements see Regulations .02, .03, .04, .12, .13, .14 and .15 of this chapter);
- B. When more than one facility is operated by the same person, that person may file one application for a permit providing the application specifically identifies each facility and contains the information required by this chapter for all facilities involved.

- (2) "Collecting agents" means chemical or other agents that can gel, congeal, herd, entrap, fix, or make an oil mass more rigid or viscous to facilitate its removal from the water surface.
- (3) "Control" means the possession of the power to direct or cause the direction of the actions of a person.
- (4) "Department" means the Department of Natural Resources.
- (5) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, dumping, addition of, introduction of any pollutant into waters of the State, or the placing of any pollutant in a location where it is likely to pollute.
- (6) "Dispersants" means those chemical agents or compounds which emulsify, disperse, or solubilize oil or which act to further the surface spreading of oil slicks in order to facilitate dispersal of oil.
- (7) "General Oil Operations Permit" means the authorization established by Regulation .08 of this chapter for certain categories of facilities to operate without an individual Oil Operations Permit including:
- Service stations, garages, marinas, and other similar oil handling facilities under 50,000 gallons storage;
 - All apartment buildings regardless of storage capacity; and
 - Any other facilities under 10,000 gallons storage except as otherwise provided in Regulation .07 of this chapter.
- (8) "Oil Operations Permit" means an individual written authorization issued by the Administration pursuant to pertinent law and regulations and describing required performance for specific activities and operations of an oil storage or oil handling facility or vehicle.
- (9) "Oil, petroleum products, and their by-products" means oil of any kind and in any liquid form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils, and every other nonedible liquid hydrocarbon regardless of specific gravity. Oil includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuels, asphalt, and crude oils, but does not include liquefied petroleum gases, such as liquefied propane, or any edible oils.
- (10) "Oil storage facility" means any facility, above or below ground, in which oil is stored, other than a private residence which stores oil for personal use.

- 2 -

- (22) "State" means the State of Maryland.
- (23) "Storage system" means a storage tank and all associated piping including fill, vents, dispensing, and return lines.
- (24) "Transport" means a tractor-trailer vehicular unit.
- (25) "Truck tank" means a self-contained vehicular unit with a capacity of over 500 gallons, in which the automotive power and the hauling capacity are contained in one complete unit.
- (26) "Used oil" means a petroleum-based or synthetic oil as an engine lubricant, engine oil, motor oil, or lubricating oil for use in an internal combustion engine, or a lubricant for motor vehicle transmissions, gears, or axles which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.
- (27) "Vessel" means every watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the State.
- (28) "Waters of the State" includes each surface and underground waters within the boundaries of the State subject to its jurisdiction, including that portion of the Atlantic Ocean within the boundaries of the State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage. The floodplain of free-flowing waters determined by the Department on the basis of the 100 year flood frequency is included as waters of the State.

.02 Prohibition Against Oil Pollution.

- A person may not pump, discharge, spill, throw, drain, deposit, or cause to be deposited, oil or other matter containing oil into, near, or in an area likely to pollute, waters of the State.
- A person may not pump, discharge, deposit, or cause to be deposited, bilge or ballast water, or water from any receptacle containing oil, in a manner by which oil may escape into, or in an area likely to pollute, waters of the State.
- A person violating these prohibitions is subject to sanctions under Natural Resources Article, §§8-1414, 8-1417, and 8-1501, Annotated Code of Maryland, in addition to the permit and license modification, suspension, or revocation proceeding and in addition to any other sanctions provided by law.

- 4 -

- Date, time, and place of spill;
- Amount and type of oil spilled;
- A complete description of circumstances contributing to the spill;
- A complete description of containment, removal, and clean-up operations including disposal sites and costs of the operations;
- Procedures, methods, and precautions instituted to prevent a recurrence of an oil spill from the facility involved;
- Any other information considered necessary or required by the Administration for a complete description of the spill incident; and,
- A certification that the information provided is true and correct to the knowledge of the person signing the report.

.04 Procedure for Removal.

- Responsibility for the prompt control, containment, and removal of any spilled oil shall be with the person responsible for the discharge, the owner of the oil, and the person in charge of the facility, vessel, or vehicle involved in the spill. This responsibility shall continue until removal of the spilled oil has been accomplished to the satisfaction of the Administration or designee specified under Regulation .03C of this chapter.
- Removal of oil shall be accomplished by physical or mechanical means such as the use of skimming devices or vacuum systems or by the use of inert sorbent material.
- If sorbent material is employed, the material shall be removed and disposed of in accordance with all State, local, and federal requirements.
- Collecting agents, dispersants, or sinking agents may not be used except when authorized by the Administration.
- The Administration shall assume control of any spill situation when it determines that the responsible parties are not acting promptly to remove the spill, or are not undertaking removal or mitigation in a manner appropriate to control or rectify the conditions constituting the emergency or the hazard involved.

.05 Proof of Financial Responsibility for Vessels Involved in the Transfer of Oil.

- Except as provided in §4, below, any vessel, whether self-propelled, while in, entering upon, or leaving the waters of the State for the purpose of discharging or receiving a cargo of oil in the State, shall obtain and provide upon request either to the Maryland Port Administration or the Department of Natural Resources one of the following proofs of financial responsibility:
- A surety bond;
 - An insurance policy;
 - Documentation of ability to self-insure;
 - Department of Transportation Certificate of Financial Responsibility (Water Pollution);
 - Documentation of a combination of §4(1), (2), (3), or (4); or

- 6 -

- Certificates, endorsements, surety bonds, insurance, or other acceptable alternatives shall be released after the Maryland Port Administration or the Department has determined that all vessels covered by evidence of financial responsibility are not responsible and have not been responsible for paid or unreimbursed damages sustained through the discharge of oil into the waters of the State.
- In the event of an oil discharge, spillage, or other similar act upon the waters of the State from a vessel which has acquired a Department of Transportation Certificate of Financial Responsibility (Water Pollution), reimbursement shall be made to the State for the cost incurred by the State for containment, cleanup, elimination of the residue of the discharged or spilled oil, and for restoration of the natural and recreational resources of the State. This reimbursement shall be by endorsement of the Department of Transportation Certificate of Financial Responsibility (Water Pollution) to the State, or by separate insurance or surety bond or self-insurance, or by any other means acceptable to the State.
- A vessel owned or operated by the United States or by a foreign government and not engaged in commerce, or a vessel carrying or receiving 25 barrels or less of oil is exempt from providing evidence of financial responsibility.

.06 Oil Terminal Facility License.

- The operator of an oil terminal facility shall obtain a license from the Administration.
- Before issuance or renewal of a license, the person shall apply to the Administration providing satisfactory evidence to the Administration that the applicant has implemented or is in the process of implementing State and Federal plans and regulations to control oil pollution.
- The applicant shall have in effect or shall have applied for an Oil Operations Permit, pursuant to Regulation .07 of this chapter.
- The required annual license fee for an oil terminal facility license, at the rate as determined under Natural Resources Article, §§8-1414(c), Annotated Code of Maryland, shall be paid by the facility not later than September 1, for the fiscal year beginning July 1, immediately preceding. Applicants shall pay the full license fee whether the facility is expected to operate the entire year. A refund of the license fee is not permitted if the facility does not operate for the entire year.
- If a newly opened or expanded facility is put into operation after July 1, a partial fee will be charged on a prorated basis.
- The license shall be on display at all times in the office at the terminal location specified on the license.

- 8 -

.08 General Oil Operations Permit.

- The following oil handling and oil storage facilities are permitted provided the conditions specified in this regulation for these facilities are met:
 - Service stations, garages, marinas, and any similar oil handling facilities having storage capacity less than 50,000 gallons shall meet the requirements of Regulation .02, .03, .04, .12, .13, .14, .15 and .20 of this chapter;
 - Apartment buildings shall meet the requirements of Regulations .02, .03, .04, .12, .13, .14, and .15 of this chapter;
 - Other facilities having storage capacity less than 10,000 gallons shall meet the requirements of Regulations .02, .03, .04, .12, .13, .14, and .15 of this chapter.
- In addition to the conditions imposed on the categories of facilities set out in §4 above, facilities subject to the General Oil Operations Permit shall:
 - Make facilities available for reasonable inspection by the Administration;
 - Make all records relative to these Regulations and Natural Resources Articles pertaining to the facility or operation of the facility available for reasonable inspection by the Administration; and
 - Complete any survey forms or other documents provided by the Administration.

.09 Facilities Exempt from Oil Operations and General Oil Operations Permits; and Specially Permitted Activities.

- Storage facilities at a single family residence and for personal use are exempt from the permit requirements of Regulations .07 and .08 of this chapter, but are subject to the requirements of Regulations .02, .03, and .04 of this chapter.
- Special Permit.
 - A person shall obtain a special permit for the testing of oil pollution control measures or equipment.
 - Before conducting any test or demonstration of equipment and materials for the control of oil pollution or scientific experimentation on the effect of oil spills, a person shall apply to the Administration for a special permit.
 - A person shall comply with any conditions imposed by the Administration in the special permit upon issuance.

- 10 -

.10 Requirements for Application for an Oil Operations Permit (Not applicable to General Oil Operations Permit).

- The person in charge of each facility shall submit a written application for a permit, accompanied by a copy of the facility's comprehensive contingency plan, including a containment and clean-up plan.
- The plan for containment and clean-up shall include the following information:
 - List of persons, including names, addresses, and telephone numbers to be notified in the event of a spill at the facility;
 - Provisions for quick control of an oil spill, including personnel, location and procedures necessary to obtain equipment available for the containment and removal of a spill;
 - Communications facilities available for use in control and clean-up operations;
 - List of qualified contractors, equipment, and facilities available for oil spill clean-up operations; and
 - Additional information which the Administration deems necessary.
- An application for a permit shall be submitted on an approved form at least 60 days before the date of intended operation.

.11 Conditions for Issuance of a Permit (Not applicable to General Oil Operations Permit).

- After reviewing the oil handling procedures and practices involved and inspecting the facility, if necessary, the Administration shall issue the permit if it determines that:
 - Requirements of this chapter can be met;
 - Facility is properly and adequately equipped to prevent oil pollution and control oil spills; and
 - Person in charge of the facility has the capability to handle the oil in accordance with the requirements of this chapter.
- A permit issued by the Administration shall be effective for a period of 5 years unless it is surrendered, suspended, revoked, otherwise terminated, or unless issued by the Administration, for reasons stated, for a shorter period of time.
- The permittee shall agree to make:
 - Facilities available for reasonable inspection by the Administration; and
 - All records relative to these Regulations and Natural Resources Articles pertaining to the facility or operation of the facility available for reasonable inspection by the Administration.

- 11 -

emergency holding area. The Administration reserves the right to require oil storage facilities of less than 10,000 gallons capacity to be diked if the facility is in a location likely to pollute the waters of the State.

- The Administration may exempt from this diking requirement any facility which can provide adequate alternative procedures for oil spill control. Request for this exemption shall be submitted to the Administration in writing. The Administration shall advise the person of approval or disapproval in writing.
- The construction of above-ground oil storage tanks, dikes, or walls within the tidal wetlands or within the 100 year flood plain is prohibited unless a State Wetlands License, Wetlands Permit or Waterway Construction Permit is first obtained from the Administration.
- Each pipeline which is connected to a tank below the liquid level shall have valves located immediately adjacent to the storage tank.
- Seams, rivets, nozzle connections, valves, pumps, and pipelines directly connected to above-ground oil storage tanks shall be visually examined at least once a month for any oil leaks. Any leaks shall be promptly corrected.
- Any oil contaminated surface drainage leaving the containment area shall be passed through an oil separating system approved by the Administration, unless other oil pollution control measures acceptable to the Administration are provided.
- Flapper-type drain valves may not be used to drain diked areas. Drain valves for dikes shall be kept in the closed position, and shall be locked when not used to drain trapped water.
- A high liquid level gauge, an alarm system, or a pump cut-off device shall be installed by the owner or person in charge on any oil storage tank, from which the Administration determines an overflow of oil is possible. Since these emergency devices can fail to operate, their use for spill prevention purposes shall be considered only as auxiliary and supplementary to the use of personnel engaged in the transfer operation.
- Before each filling of an existing oil storage system, the liquid level shall be gauged and the measurement shall be recorded in writing. The gauging records shall be maintained for 30 days and shall be made available for reasonable inspection by the Administration. This requirement does not apply to any oil storage system installed before April 21, 1978, without provisions for the measurement of content.
- The Administration may require additional procedures for an oil storage system not having a vent which may be seen by a person positioned at the fill.

- 13 -

- Certified by the manufacturer that they have been built to American Society of Mechanical Engineer standards;
- Approved by an accredited Corrosion Specialist of the National Association of Corrosion Engineers for use at precise locations; or
- Approved for general use and storage of petroleum products by Underwriters Laboratories.

C. An underground storage system installed on or after March 15, 1985, that is protected by a cathodic protection system shall meet the following requirements:

- It shall have a test system installed to measure structure to soil potential;
 - It shall be tested on an annual basis to determine if the cathodic protection system is in proper working order;
 - The measurements shall be recorded and kept at the facility or other location designated by the owner or person in charge and shall be made available to the Administration upon request; and
 - If inadequate cathodic protection is indicated by a structure to soil potential measurement of less than .85 negative volts, repairs shall be made to the cathodic protection system within 60 days of the test measurement.
- D. On or after March 15, 1985, an underground storage system protected by impressed current systems shall be designed so that the impressed current source cannot be de-energized, at any time, including during closure of the oil storage facility, except to perform service work on the storage system or the impressed current cathodic protection system.
- E. On or after March 15, 1985, two permanent monitoring pipes shall be installed in opposing corners of storage system installations. The monitoring pipes shall:
- Extend to a minimum depth of 2 feet below the bottom of the tanks in the tank field;
 - Be constructed of schedule 40 PVC;
 - Be a minimum of 2 inches in diameter;
 - Be screened from the bottom to within 2 feet of ground surface;
 - Have a minimum slot size of .020 inches; and maximum slot size of .025 inches;
 - Be completed by:
 - Backfilling around the outside with fine gravel to prevent clogging; or
 - Wrapping in an appropriate filter cloth to prevent clogging;
 - Be capped and protected from traffic with a cap and cover; and
 - Be identified to avoid confusion with product fill-lines.

- 15 -

12 Requirements for Facilities with Above-Ground Oil Storage Facilities.

A. Standards Incorporated by Reference.

- (1) Storage tanks, venting, piping, and metering devices installed after April 21, 1978, shall be in accordance with the appropriate standards of the National Fire Protection Association and the American Petroleum Institute.
- (2) The following National Fire Protection Association Standard is incorporated by reference: Standard Number 30, 1981, "Flammable and Combustible Liquids Code".
- (3) The following American Petroleum Institute Standards are incorporated by reference:
 - (a) Standard Number 650, 1930, "Welded Steel Tank for Oil Storage", Seventh Edition;
 - (b) Standard Number 620, 1932, "Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks", Seventh Edition;
 - (c) Standard Number 2000, 1932, "Venting Atmospheric and Low-Pressure Storage Tanks (Non-refrigerated and Refrigerated)", Third Edition;
 - (d) Specification Number 12 B, 1977 (and Supplement 1, 1982), "Specification for Bolted Tanks for Storage of Production Liquids", Twelfth Edition;
 - (e) Specification Number 12 D, 1962 (and Supplement 1, 1984), "Specification for Field Welded Tanks for Storage of Production Liquids", Ninth Edition;
 - (f) Specification Number 12 F, 1962 (and Supplement 1, 1982), "Specification for Shop Welded Tanks for Storage of Production Liquids", Eighth Edition.
- (4) If there is any inconsistency in the National Fire Protection Association and American Petroleum Institute standards, the Administration may propose and adopt the appropriate standards.

B. The following requirements apply to all above-ground oil storage facilities:

- (1) Above-ground oil storage sites with storage capacity of 10,000 gallons or more shall be surrounded with a continuous dike or wall capable of effectively holding the total volume of the largest storage container located within the area enclosed by the dike or wall. The construction and composition of this emergency holding area shall prevent movement of oil from this area into the waters of the State. The nature of the soil and the groundwater conditions at the site shall be taken into consideration in the design or location, or both, of this

- 12 -

13 Requirements for facilities with Underground Oil Storage Facilities.

A. Standards Incorporated by Reference.

- (1) Storage Tanks, venting, piping, and metering devices installed after April 21, 1978, shall be in accordance with the appropriate standards of the National Fire Protection Association and the American Petroleum Institute.
- (2) The following National Fire Protection Association Standard is incorporated by reference: Standard Number 30, 1981, "Flammable and Combustible Liquids Code".
- (3) The provisions of the referenced documents in the subsection, although stated as suggestions or discretionary requirements, and by this reference intended to be mandatory requirements for the described activities. The following American Petroleum Institute Standards are incorporated by reference:
 - (a) Bulletin 1614, 1979, "Installation of Underground Petroleum Storage Systems";
 - (b) Publication 1632, 1983, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", First Edition.

B. An underground storage system installed on or after March 15, 1985, shall be protected against corrosion by one or more of the following methods:

- (1) It shall have a properly installed and maintained cathodic protection system of either the impressed current or sacrificial anode type which satisfies one or more of the following:
 - (a) Engineered by an accredited Corrosion Specialist of the National Association of Corrosion Engineers;
 - (b) Installed according to requirements found in National Association of Corrosion Engineers Standard Number RP-01-69, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" which is incorporated by reference. The provisions of the referenced documents, although stated as suggestions or discretionary requirements, are by this reference intended to be mandatory requirements for the described activities.
 - (c) Supplied by the original tank manufacturer, for use on a tank approved by Underwriters Laboratories for general storage of petroleum products; or
 - (d) Supplied by the original tank manufacturer, for a tank certified by the manufacturer to have been made to American Society of Mechanical Engineers specifications.
- (2) It shall be constructed of a non-corrosive material such as special alloys, fiberglass reinforced plastic, or fiberglass reinforced plastic coated steel, and:

- 14 -

C. An underground storage system installed after April 21, 1978, shall have provisions for taking direct measurements of content level by the stick method.

- G. The person in charge shall measure the liquid level of storage systems each day of operation, and shall reconcile the results with pump meter readings and receipt of product. These records shall be kept for one year at the facility or at a location designated by the owner or person in charge and shall be made available to the Administration for reasonable inspection.
- H. Inventory variations exceeding 1/2 of 1 percent over a period of 30 days shall be reported to the owner of the storage system, and an investigation shall immediately be initiated to determine the cause of the inventory variation. If inventory variation is reconciled and there is no indication of a leak, the cause of the variation as determined by the investigation shall be noted in the daily inventory records.
- I. If the investigation required by 5H of this regulation indicates a loss of product, a precision test on the storage system shall be performed within 72 hours in accordance with the standards set forth in the National Fire Protection Association Standard Number 19, 1943, "Underground Leakage of Flammable and Combustible Liquid", which is incorporated by reference. The provisions of the referenced document, although stated as suggestions or discretionary requirements, are by this reference intended to be mandatory requirements for the described activities.
- J. The Administration may order a precision test if the person in charge of a storage system has failed to reconcile daily inventory records as specified in 5G of this Regulation.
- K. The Administration may order a precision test if there is reason to believe there is or may have been a loss of product from a storage system.
- L. Except for a storage system protected against corrosion and installed as provided in Regulation .13 of this chapter, a storage system which has been buried for 15 years or more, or a storage system for which an installation date can be determined, shall meet the following requirements:
 - (1) It shall be tested for tightness in accordance with the precision test.
 - (2) The initial test shall be performed within 24 months after the effective date of this regulation and shall be repeated on a storage system at intervals of no greater than 5 years.
 - (3) Storage systems in Prince George's County which are currently on a mandatory testing schedule shall remain on that schedule.
- M. A new storage system installed on or after March 15, 1985, shall be tested for tightness by either:

- 16 -

- (1) A percussion test; or
- (2) Testing the tank before installation with 5 pounds of air pressure while applying a soap solution to all seams, welds, fittings, and irregularities in the tank surface. A mercury gauge shall be used to perform this test. Additionally, a visual inspection of the entire tank surface shall be made to ensure that no substantial damage has occurred to any area. After installation of the storage system and before backfilling the excavation, all lines shall be tested with 50 psi of air pressure while applying a soap solution to all fittings, connections, and irregularities in the piping system.

N. When a precision test is performed, the following information shall be kept on file at the facility or at a location designated by the owner or person in charge of the storage system, until such time as another test is performed, and shall be made available for reasonable inspection by the Administration upon request:

- (1) Commercial name of the test equipment;
- (2) The name of the testing company;
- (3) The name of the person conducting the test;
- (4) A certification that the person conducting the test has completed a training course in the proper use of the test equipment as given by the manufacturer of the test equipment or his authorized agent, or the Administration;
- (5) The data accumulated by the test; and
- (6) The results of the test as to whether the storage system is tight.

O. If a storage system fails a test for tightness of any type, the person conducting the test shall immediately notify the owner, the person in charge of the storage system, and the Administration.

P. Upon notification that a storage system has failed a test, the person in charge or owner, or both, of the storage system shall take the following steps:

- (1) Immediately notify the Administration that the storage system has failed a test for tightness;
- (2) Begin an investigation to determine where the storage system is leaking;
- (3) If the tank is determined to be leaking, immediately remove the product; and
- (4) The storage system shall either be repaired, removed, or abandoned in accordance with Regulation .14 of this chapter.

Q. After repairs have been made to a storage system which has previously failed a test for tightness, a precision test shall be performed to verify that the condition which caused the original failure of the test has been corrected.

R. All fill lines for a storage system shall be clearly marked to indicate the size of the tank and the type of product stored. The markings shall be as follows:

- 17 -

14 Requirements for Temporary or Permanent Abandonment and Removal of Underground Oil Storage Systems.

A. An underground storage system meeting the installation requirements of Regulation .13 of this chapter may be placed out of service indefinitely and placed back in service if the system:

- (1) Is emptied of petroleum product during the period of abandonment;
- (2) Is filled with water and an appropriate corrosion inhibitor to protect the tank from internal corrosion; and
- (3) If protected by cathodic protection, is tested as outlined in Regulation .13C of this chapter to ensure that the cathodic protection system is still functional.

B. An underground storage system not meeting the installation requirements of Regulation .13 of this chapter may be placed temporarily out of service for not longer than 90 days and placed back in service if the system:

- (1) Is emptied of petroleum product;
- (2) Is filled with water and an appropriate corrosion inhibitor to protect the tank from internal corrosion; and
- (3) Will be put back in the active or "normal" service within the 90 day period.

C. An underground storage system not meeting the installation requirements of Regulation .13 of this chapter shall be permanently abandoned in place, or removed, if it is to be placed out of service for a period greater than 90 days, according to the following guidelines:

- (1) If the tank is abandoned in place:
 - (a) All flammable or combustible liquids shall be removed from the system;
 - (b) All lines shall be disconnected and capped; and
 - (c) The tank shall be completely filled with an inert solid material.
- (2) If the tank is removed:
 - (a) All flammable or combustible liquids shall be removed from the system;
 - (b) All lines shall be disconnected and capped, or removed;
 - (c) The tank shall be purged of all explosive vapors before disposal; and
 - (d) All oil or oil saturated soils found in the tank excavation shall be removed and disposed of in accordance with all Federal, State, and local requirements.
- (3) If the tank is disposed of:
 - (a) It shall be retested for flammable vapors and, if necessary, purged of all explosive vapors; and
 - (b) Holes or openings shall be made in the tank to render it unfit for further use.

- 19 -

15 Requirements for Drivers of Truck Tanks and Transports.

A. A driver operating a truck tank or transport shall possess a valid Oil Vehicle Operator's Certificate in accordance with the following requirements:

- (1) A driver in possession of a valid Oil Vehicle Operator's Certificate issued before the effective date of this chapter shall operate under the authority of that certificate until it expires.
- (2) On or after July 1, 1985, the Oil Vehicle Operator's Certificate shall be issued by the Administration after the driver has completed an examination and has obtained a passing grade indicating his knowledge of the procedures employed for the safe handling of oil, oil spill control measures and oil spill reporting requirements.
- (3) A Temporary Oil Vehicle Operator's Certificate, valid for 30 days, shall be issued to new drivers of a company operating under a valid Oil Operations Permit if a company official:
 - (a) Instructs the driver in the basic procedures employed for the safe handling of oil and oil spill reporting requirements; and
 - (b) Signs the temporary certification card provided to the Company by the Administration, acknowledging the driver has been instructed.
- (4) A driver shall carry an Oil Vehicle Operator's Certificate at all times while involved in the transfer or transport of oil.
- (5) A driver shall operate truck tank or transport in accordance with NPA Standards 385 "Flammable and Combustible Liquid Tank Vehicles" 1979, which is incorporated by reference.

B. An Oil Vehicle Operator's Certificate is not required for Interstate drivers transporting petroleum products through Maryland.

C. A driver shall stand at the location of the loading or delivery receptacle in full control of the nozzle, shut-off valves, pumps, and emergency operating mechanism for the discharge control valve at all times when loading or unloading oil. If the driver leaves the equipment unattended for any reason, all nozzles, shut-off valves, pumps, and discharge control valves of the dispensing vehicle, as well as those of the receiving facility, shall be turned off or returned to the closed position.

- 21 -

16 Requirements for Gasoline, Service Stations, Marinas, and Similar Oil Handling Facilities.

- A. Storage systems shall be installed and operated in accordance with the requirements of Regulations .02, .04, and .12, .13 of this chapter.
- B. The oil distribution company shall be responsible for monitoring inventory control of the storage system when the facility operates under the meter marketing plan.
- C. All sewers and drains serving these facilities, and receiving oil-bearing wastes or wastewater from operations at these facilities, shall be provided with adequate and properly maintained oil separating systems.
- D. The ultimate disposal of used oil shall be undertaken in a manner that will prevent water pollution, such as salvaging or sale to a salvage company, or use in fuel, or other methods in accordance with State, Federal, and local codes.
- E. Marine fuel delivery nozzles shall be equipped with a self-closing valve that will shut off the flow of fuel when the hand is removed from the nozzle. Ball open devices may not be used on these nozzles.
- F. Each pipeline conveying oil to a wharf, pier, or dock shall be provided with a readily accessible block valve, located on shore, near the approach to the wharf, pier, or dock, and outside any diked area. Valves shall be grouped at one location.

17 Effect on Other Government Regulations.

These regulations are not intended to and do not relieve the permittee of the duty to comply with all other valid governmental regulations governing activities regulated under these regulations.

APPENDIX A

The following test equipment is approved by the Administration for conducting precision tests on underground storage systems:

- A. Petra-Tite Tank Tester, Licensed by Heath Consultants Incorporated, 100 Toser Drive, Stoughton, MA. 02072.
- B. Leak Locator LD2000, Licensed by Hunter Environmental Services, Inc., 18 Great Valley Parkway, Suite 6, Malvern, PA. 19355.

TORREY C. BROWN, M.D.
Secretary of Natural Resources



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 4, 1985

Harold J. Tulley, Esquire
624 S. Main Street
Bel Air, Maryland 21014

RE: Petition for Variance
SE/S Merrymans Mill Rd., 400' SW of
Killarney Rd. (2815 Merrymans Mill Rd.)
Thomas G. Clark, et ux - Petitioners
Case No. 85-221-A

Dear Mr. Tulley:

This is to advise you that \$49.50 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

No. 004350

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2-4-85 ACCOUNT 01-615-1

AMOUNT \$ 49.50

RECEIVED FROM

FOR

VALIDATION OF SIGNATURE OF CASHIER

D. Records shall be kept and made available for reasonable inspection by the Administration at the facility or at a location designated by the owner or person in charge, which document temporary and permanent abandonment of underground storage systems, and shall contain the following information:

- (1) Tank size;
- (2) Location of the tank on the property;
- (3) Date of abandonment;
- (4) Method or methods used for abandonment of the system; and
- (5) The name of the contractors who performed the work.

15 Requirements for the Interior Lining of Existing Steel Underground Storage Tanks.

- A. The interior lining of steel storage systems shall be performed in accordance with the recommendations of API Publication 1631 (1983), "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks", which is incorporated by reference. The provisions of the referenced document, although stated as suggestions or discretionary requirements, are by this reference intended to be mandatory requirements for the described activities.
- B. Tanks not meeting the recommendations of Section 7.2 of API Publication 1631, may not be relined.
- C. A storage system to which an interior lining has been applied shall have a cathodic protection system installed to prevent further corrosion of the system. This system shall be of the sacrificial anode or impressed current type and the installation shall be approved by an accredited Corrosion Specialist of the National Association of Corrosion Engineers.
- D. A storage system which has had an interior lining applied, shall be tested by the precision test before being placed back into service.
- E. The person in charge of the oil storage facility shall maintain a written certification, from the contractors performing the work in §§A, C, and D, above, stating that all work has been done in accordance with the requirements of this regulation, and shall make the certification available for reasonable inspection by the Administration.

16 Requirements for Oil Delivery by Truck Tank or by Transport.

- A. Transfer hose and fittings shall be of a grade suitable for the type of oil product transferred and for the type of delivery.
- B. Transfer hose shall be designed to withstand pressure of the shut-off head of the cargo pump or pump relief valve setting.
- C. Any vehicle used in the transport or transfer of oil shall be in compliance with COMAR 11.14 Motor Vehicle Administration - Motor Vehicle Inspection, and NFPA Standards 385, "Flammable and Combustible Liquids Tank Vehicles" 1979, which is incorporated by reference.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 24, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 24, 1985.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

\$18.00

PETITION FOR VARIANCE
10th Election District
LOCATION: Southeast side of Merrymans Mill Road, 400 feet Southwest of Killarney Road (2815 Merrymans Mill Road)
DATE AND TIME: Monday, February 11, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance to allow a portion of the paving on site to be crushed run or gravel instead of the required durable and dustless surface. Being the property of Thomas G. Clark, et ux as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
Jan. 24

D. A driver shall remain alert while the transfer is in progress and shall report immediately to his or her employer or supervisor any unusual condition involving the transfer operation, such as spills, any obvious discrepancies between the quantities delivered and received, or the existence of any equipment defects or unsafe delivery conditions.

E. A driver shall use proper hoses and fittings in the delivery of oil.

F. Before beginning any transfer, the driver shall insure that all hose connections are tight.

18 Requirements for Oil Transfer Facilities.

A. This regulation is applicable only to those facilities with loading racks.

B. Requirements for Spill Control.

- (1) The area of the loading rack in which a spill can occur shall be paved or covered with impervious material acceptable to the Administration.
- (2) Containment curbs, trenching, or other reasonable spill control systems shall be used for tank car, truck tank, and transport transfer areas.
- (3) Oil spilled within the containment area shall be removed immediately and disposed of in a manner and location in accordance with all State, federal, and local codes.
- (4) Containment facilities shall be designed to prevent the entrance of surface water runoff.
- (5) Clean-up materials, such as sorbents, appropriate for the type of oil being stored, shall be available at the facility for use in the cleanup and removal of spilled oil.

19 Reporting of Collection and Ultimate Disposal of Waste Oil by Collectors and Processors.

- A. A semi-annual report on used oil collection by collectors and processors shall be submitted by July 15 of each year, for the period of January 1 - June 30, and by January 15 of each year, for the period of July 1 - December 31. This report is to be made on a form available from the Administration.
- B. The ultimate disposal of used oil shall be undertaken in a manner that will prevent any oil from reaching waters of the State.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 10th

Posted for: Variance

Petitioner: Thomas G. Clark, et ux

Location of property: SE/S Merrymans Mill Rd., 400' SW. of Killarney Rd. - 2815 Merrymans Mill Rd. 21131

Location of Signs: Facing Merrymans Mill Rd., Approx. 45' from Roadway & Approx. 10' E. of driveway, on property of R.L. Dunn

Remarks:

Posted by: M. G. J. Signature

Number of Signs: 1

Date of return: 2/4/85

(1) A permanent tag or sign installed immediately adjacent to the fill which states the size of the storage system and the specific type of product being stored; or

(2) A color code shall be implemented according to the following requirements:

(a) Color markings shall be painted or placed around the fill or man hole cover in a manner that will readily identify the product in the storage system.

(b) The color code shall be posted at the facility in a prominent location and be available for inspection at all times to show the tank size and type of product.

(c) A different color code shall be used for each product or grade of product, or both, being stored at the facility.

S. Pipes or other openings, not for transfer of petroleum products at the oil storage facility may not be painted any color which could be associated with an oil product stored at the oil storage facility.

T. A storage system using remote or submerged turbine pumps installed after the effective date of this chapter shall have line pressure trap leak detectors.

U. A previously used tank which is removed from the ground may not be reinstalled unless the original manufacturer provides a written certification that the used tank is suitable for service. The original manufacturer's written certification shall be kept on file at the facility or at a location designated by the owner or person in charge of the storage system and be made available for reasonable inspection by the Administration for the life of the storage system. All installation requirements of this Regulation shall apply when a previously used tank is installed.

V. The Administration may require additional procedures for an oil storage system not having a vent that can be seen by a person positioned at the fill.

W. A high liquid level gauge, an alarm system, or a pump cut-off device shall be installed by the owner or the authorized person in charge on any oil storage tanks from which the Administration determines an overflow of oil is possible. Since these emergency devices can fail to operate, their use for spill prevention purposes shall be considered only as auxiliary and supplementary to the use of personnel engaged in the transfer operation.

X. Before each filling of existing oil storage systems which have provisions for measurement of contents, and oil storage tanks installed after April 21, 1979, the liquid level shall be gauged and the measurement shall be recorded in writing.

January 11, 1985

Harold J. Tulley, Esquire
624 S. Main Street
Bel Air, MD 21014

NOTICE OF HEARING

RE: Petition for Variance
SE/S Merrymans Mill Rd., 400' SW
of Killarney Rd. (2815 Merrymans Mill Rd.)
Thomas G. Clark, et ux - Petitioners
Case No. 85-221-A

TIME: 10:30 a.m.

DATE: Monday, February 11, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135879

DATE: 1/24/85 ACCOUNT: 8-01-215-000

AMOUNT: \$100.00

RECEIVED FROM: Clark, G. J.

FOR: 10th Election District #152

6 663*****1000014 REC-1

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

85-221-A

Towson, Md. 2/13 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the 1st publication appearing on the 23rd day of Jan 1985.

The TOWSON TIMES

Cost of Advertisement: \$26.50

PETITION FOR VARIANCE
10th Election District
LOCATION: Southeast side of Merrymans Mill Road, 400 feet Southwest of Killarney Road (2815 Merrymans Mill Road)
DATE AND TIME: Monday, February 11, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance to allow a portion of the paving on site to be crushed run or gravel instead of the required durable and dustless surface. Being the property of Thomas G. Clark, et ux as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF:
ARNOLD JABLON
ZONING COMMISSIONER
BALTIMORE COUNTY
6201767491 1/23